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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,323	06/06/2001	Dale Starkey	3833-010852	7514

423 7590 03/15/2005

HENKEL CORPORATION
THE TRIAD, SUITE 200
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EXAMINER

SELLERS, ROBERT E

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,323

Applicant(s)

STARKEY, DALE

Examiner

Robert Sellers

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-32 is/are pending in the application.
- 4a) Of the above claim(s) 16-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

This application contains claims 16-32 drawn to inventions nonelected with traverse in the response filed October 8, 2004. A complete reply to the final rejection must include cancellation of the nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

1. Claim 5 has been reinstated due to the insertion of the polyol into independent claim 1 to overcome the 35 U.S.C. 112, first paragraph, lack of enablement rejection presented in the non-Final rejection mailed November 23, 2004, page 4, paragraphs 4 and 5. Claim 16 remains directed to a distinct invention denoting the method of preparation of a molding compound for the reasons espoused in the restriction requirement mailed June 10, 2004, the paragraph bridging pages 2 and 3.
2. The amendments to claims 1, 2 and 7 overcome the 35 U.S.C. 112, second paragraph, rejection.
3. The terminal disclaimer filed February 18, 2005 resolves the obviousness-type double patenting rejection over application no. 10/667,706.

The text of section 103(a) of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3 and 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaddock Patent No. 6,518,600 and Japanese Patent No. 52-15539 in view of Fetscher et al. Patent No. 3,849,383; Landers, Jr. et al. Patent No. 6,246,123 and Shimada Patent No. 6,713,571.

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4. Rubinsztajn Patent Nos. 6,617,401 and 6,632,892 have been withdrawn since the filing date of the instant application of June 6, 2001 antedates the filing dates of the patents of August 23, 2001 and August 21, 2001, respectively.

5. Shaddock (col. 5, line 67 to col. 6, line 5) discloses the partial curing of the epoxy resin with the phosphor powder. The Japanese patent espouses the pre-reaction before curing of an epoxy resin with a hardener and a luminescent pigment.

6. The claimed anhydride of claims 1-3, 5-11 and 15 is not recited. It would have been obvious to partially cure the formulations of Shaddock and the Japanese patent with a particular hardener such as the anhydride of Fetscher et al., Landers, Jr. et al. and Shimada in order to enhance the clarity (Fetscher et al., col. 3, lines 52-61).

7. The polyol of claims 1-3 and 5-11 are not recited. It would have been obvious to incorporate the polyol of Fetscher et al. (col. 5, lines 33-36, "one-step reactions" involving the polyol, anhydride and epoxy compound) or the glycol modifier of Shimada (col. 3, line 59) into the analogous epoxy resin composition of Shaddock and the Japanese patent in order to reduce the curing temperature and to control the reactivity of the anhydride to optimize B-staging (Fetscher et al., col. 6, lines 63-72).

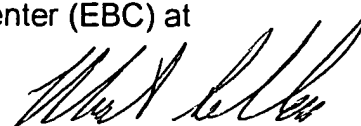
The amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Sellers whose telephone number is (571) 272-1093. The examiner can normally be reached on Monday to Friday from 9:30 to 6:00.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



Robert Sellers
Primary Examiner
Art Unit 1712